

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

City of Beaufort, et al.,	)	
	)	
Plaintiffs,	)	<b>No.: 2:18-cv-03326-RMG</b>
	)	<b>(Consolidated with 2:18-cv-3327-RMG)</b>
v.	)	
	)	<b>MOTION FOR LEAVE TO FILE</b>
NATIONAL MARINE FISHERIES	)	<b>THIS SUPPLEMENTAL</b>
SERVICE, et al.,	)	<b>RETURN TO MOTION FOR</b>
	)	<b>STAY OF DEADLINE TO RESPOND</b>
Defendants.	)	<b>TO</b>
	)	<b>MOTION TO INTERVENE OF</b>
	)	<b>STATE OF SOUTH CAROLINA,</b>
	)	<b>EX REL</b>
	)	<b>ALAN WILSON, ATTORNEY</b>
	)	<b>GENERAL</b>
South Carolina Coastal Conservation League,	)	<b>IN CITY OF BEAUFORT v.</b>
et al,	)	<b>NATIONAL MARINE FISHERIES</b>
Plaintiffs,	)	<b>SERVICE CASE</b>
	)	
v.	)	
	)	
Wilbur Ross, in his official capacity as the	)	
Secretary of Commerce; et al.,	)	
Defendants.	)	

The State ex rel Atty General Wilson respectfully moves for leave of Court to submit this supplemental return in opposition to Defendants’ Motion for Stay. In their Reply to the State’s earlier return, the Defendants said that that “[t]he Department of the Interior has confirmed that due to the lapse in appropriations, the Department of the Interior will not be acting on pending permit applications for the seismic survey activity at issue in this case until funding is restored. If circumstances change, Federal Defendants will notify the Court;” however, CNN reports that “[t]he Bureau of Ocean Energy Management is bringing back employees who were furloughed to work on sales of land for oil and gas drilling purposes in the

Gulf of Mexico, according to an updated Department of Interior shutdown plan.” Kaufmann, Ellie. “Interior brings back employees during shutdown to work on oil-drilling land sales.” CNN, January 16, 2018.<sup>1</sup> Moreover, An E&E news article reports that “[t]he work includes conducting environmental review and finalizing seismic testing permits for energy exploration off the Atlantic coast.” Brugger, Kelsey. “Interior updates shutdown plan to push 5-year leasing policy.” E&E News, January 15, 2018.<sup>2</sup>

Even if counsel for defendants is able to confirm that the current work does not include seismic testing, if employees are working on Gulf drilling, the possibility would appear to exist for BOEM’s work to be expanded into testing permits. Therefore, denial of the motion for stay would allow consideration of the State’s Motion to Intervene to proceed and if granted, put the State in the position to respond immediately should BOEM grant permits for testing off South Carolina’s coast.

For the foregoing reasons, the State respectfully requests that Defendants’ Motion for Stay be denied.

Respectfully submitted,

ALAN WILSON  
Attorney General  
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<sup>1</sup> [https://www.cnn.com/2019/01/15/politics/boem-brings-back-employees-drilling/index.html?utm\\_content=2019-01-16T02%3A42%3A21&utm\\_source=twCNN&utm\\_term=image&utm\\_medium=social](https://www.cnn.com/2019/01/15/politics/boem-brings-back-employees-drilling/index.html?utm_content=2019-01-16T02%3A42%3A21&utm_source=twCNN&utm_term=image&utm_medium=social).

<sup>2</sup> <https://www.eenews.net/eenewspm/2019/01/15/stories/1060114899>

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